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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,570	02/23/2004	Brian Christopher Vecchio		7549

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EXAMINER
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VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/783,570	VECCHIO, BRIAN CHRISTOPHER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Frank Vanaman	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

*lv*

### **Oath/Declaration**

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: It does not identify the citizenship of each inventor.

The examiner notes that the citizenship box on the declaration form is filled in with "yes", which does not actually indicate the inventor's country of citizenship.

### **Drawings**

2. The drawings are objected to because they are not sequentially numbered. 37 CFR 1.84(u)(1): The different views must be numbered in consecutive Arabic numerals, starting with 1, independent of the numbering of the sheets and, if possible, in the order in which they appear on the drawing sheet(s). Partial views intended to form one complete view, on one or several sheets, must be identified by the same number followed by a capital letter. View numbers must be preceded by the abbreviation "FIG." Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Specification**

3. The abstract of the disclosure is objected to because of the following informalities: in plural locations, articles such as "a", "an", or "the" appear to have been omitted: line 8: "elevates tires" and "allows cart", line 9: "retracted cart". Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities: as in the abstract, in plural locations, articles such as "a", "an", or "the" appear to have been omitted from the text: page 2, lines 18-19: "when cart"; page 3, line 14, "in sitting"; page 3, line 18, "to chair". At page 6, lines 11 and 16, "[a]s shown in Fig. D." is not a complete sentence.

5. The use of the trademark "Roleez" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Appropriate correction is required.

### **Claim Numbering**

6. Applicant has presented what appears to be a set of four claims, the first numbered "1", and three further claims referenced by "a.", "b." and "c." which appear to be dependent claims inasmuch as they have been written to depend from claim 1. Claims "a.", "b.", and "c." will be referred to herein as 2, 3, and 4. Any further claims to be presented should be numbered consecutively beginning with '5'.

### **Claim Objections**

7. Claims 1-4 are objected to because of the following informalities: throughout the claims, as mentioned previously with respect to the abstract and specification, a number of terms appear to be missing appropriate articles: e.g., in claim 1, line 3, "as cart" should be - -as a cart- -; in claim 1, line 3, "and vehicle" should be - -and the vehicle- -.

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This is an exemplary listing only, each and every claim should be carefully reviewed and revised for appropriate grammar. Appropriate correction is required.

### **Claim Rejections - 35 USC § 112**

8. Claims 1-4 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The **structure** which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Some examples of confusing and indefinite language in the claims are cited herein: in claim 1, line 3, it is not clear whether applicant is attempting to incorporate method limitations into an apparatus claim ("are unloaded..."), also note claim 2, lines 6-7; claim 3, lines 3-4; in claim 2, line 3, it is not clear what element is in a standing position; in claim 2, line 5, it is not clear what element or portion is associated with the process of walking; in claim 2, line 5, "the sand tires" lacks a clear antecedent basis; in claim 4, lines 2-3 the recitation "by pushing the handle in the handle slides" is confusing. This is an exemplary listing only, each and every claim should be carefully reviewed and revised for clarity under 35 USC §112, second paragraph. Appropriate correction is required.

### **Claim Rejections - 35 USC § 102**

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wilson et al. (US 5,056,804). Wilson et al. teach a unique two-in-one design vehicle

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which may hold items (17), and tilt upwards (figure 2), wherein it may be pulled by a handle (at 4), the handle retractable to a folded position (figure 1) which is characterized as being a chair, wherein the wheels (11) are located off a ground surface when the vehicle is in use as a chair, the vehicle including a fabric portion (12, 13) which is usable as both a seating support and a means for accommodating various items (17) to be carried, there being provided a strap (20) which limits the motion of the handle if it remains connected to the handle while one attempts to move the handle to a further position.

### **Claim Rejections - 35 USC § 103**

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. in view of Chumley (US 6,217,043). The reference to Wilson et al. fails to teach the handle as being slidably retractable in the frame to move to a seating position. Chumley teaches a cart which may be used to carry items, and as a seat, wherein a handle portion (15, 16, 19) may be slid in and out of a remaining portion of the frame (A, in general). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the vehicle taught by Wilson et al. with the handle portion as being retractable into the remaining frame portion as suggested by Chumley, for the purpose of making the vehicle more compact in a storage configuration.

### **Conclusion**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gordon et al. (US 4,591,183), Furubotten (US 4,645,262), Carlile (US 4,865,346), Snover (US 5,040,807), Graham (US 5,362,079), Spurrier et al. (US

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5,423,592), Wilkerson et al. (US 5,820,141), Welson (US 6,131,925), and Angstadt (US 6,557,867) teach convertible vehicle structures of pertinence.

14. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**

  
10/12/05